

App. No. 09/823,583

Amendment Dated January 25, 2005

Reply to Office Action of September 21, 2004 and January 10, 2005

### **REMARKS/ARGUMENTS**

Claims 1-38 are pending in this application. In the Office Action, dated September 21, 2004: the specification is objected to including the abstract; claims 1-38 are objected to as to formalities; claim 32 is rejected under 35 USC § 112, first paragraph; claims 1-4, 6, 12, 23, and 33-36 are rejected under 35 USC § 102(b); and claims 5, 8-11, 13-22, 24-31, and 37-38 are objected but otherwise allowable if rewritten in independent form. In response to the above Office Action, Applicant has amended claims 1, 2, 8, 14 - 16, 20-22, 27 - 31 and 37-38. Applicant has added new claims 39 and 40. No new matter has been added.

#### **Objections to the Specification and Abstract**

The Applicants thank the Examiner for the thorough review of the Specification and the Abstract. Applicants' have made appropriate corrections to the specification to correct for minor infelicities that have been noted by the Examiner. Applicants' have also rewritten the Abstract to comply with 37 CFR § 1.72(b). Applicants believe that the Specification and the Abstract are now in proper form, and request notification to that effect.

#### **Objections to Claims 1- 38 as to formalities**

The Applicants thank the Examiner for the thorough review of the Claims. Applicants' have amended claims 1, 2, 8, 13 - 16, 20-22, 27-31 and 37-38 in accordance with the Examiner's request and believe the objection to claims 1-38 is thereby overcome. Notice to that effect is respectfully requested.

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**Rejection of Claim 32 under 35 USC § 112, first paragraph**

Claim 32 is rejected under 35 USC § 112, first paragraph for failing to describe the subject matter in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants' specification reads on page 22, beginning at line 29, "In still yet another embodiment of the present invention, the equalizer settings (EQCTL) and the amplitude settings (AMPCTL) are adjusted by monitoring a first channel (e.g., a clock channel), and the same equalizer and amplitude settings are also applied to other channels (e.g., data channels)." Upon reasonable consideration of Applicants' specification and claim 32, one of ordinary skill in the art would understand how to practice the Applicants' claimed invention. Moreover, 35 USC § 113 only requires the applicant to submit a drawing "where necessary for the understanding of the subject matter to be patented." Since one of ordinary skill in the art would understand how to utilize the settings from one equalizer on another equalizer circuit, as supported in Applicants' specification and claims as filed, a drawing is unnecessary.

In light of the above discussion, Applicants do hereby request that the rejection of claim 32 under 35 USC § 112, first paragraph be withdrawn.

**Allowable Subject Matter**

The Office Action objected to claims 5, 8-11, 13-22, 24-31, and 37-38 as being dependent upon a rejected base claim, but noted these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Applicant is grateful for the Examiner's thorough review and believes that the instant patent application includes novel, and non-obvious subject matter that is proposed to be allowable.

Claim 1 has been amended to include the limitation of claim 13, and claim 13 has been cancelled. Claims 1 - 12 and 14 -22 are now believed to be in proper form for allowance, and notice to that effect is respectfully requested.

Applicant has added new claims 39 and 40, which are believed to be within the scope and sprit of the Examiner's indication of allowable subject matter. An allowance of claims 39 and 40 is respectfully requested.

**Rejection of Claims 1-4, 6, 12, 23, and 33-36 under 35 USC § 102(b)**

Claims 1-4, 6, 12, 23, and 33-36 are rejected under 35 USC § 102(b) as being anticipated by US Patent No. 5,293,405 to Gershach et al.

Claims 1-4, 6, and 12 depend upon and further limit claim 1. Claim 1 as amended includes the limitation of claim 13, which was indicated as allowable. The rejection of claims 1-4, 6, and 12 under 35 USC § 102(b) is overcome by the amendment of Claim 1 and notice to that effect is respectfully requested. Claims 1 - 12 and 14 -22, which depend upon and further limit claim 1, are now believed to be in proper form for allowance, and notice to that effect is respectfully requested.

Claim 23 includes similar limitations to that described with respect to amended claim 1 and is also believed to be allowable. Similar to amended Claim 1, Claim 23 recites at least the following limitations that are not found in the cited references:

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"sampling a first data point from the comparator output;  
sampling a second data point from the comparator output, wherein the first  
and second data points correspond to sampled points that are within the pulse-  
width of the input signal;"

Amended Claim 33 includes similar limitations to that described with respect to amended  
claim 1 and is also believed to be allowable. Similar to amended Claims 1 and 23, amended  
Claim 33 recites at least the following limitations that are not found in the cited references:

"a means for sampling samples the comparator output to produce  
the first sample point and the second sample point in response to the equalized  
signal and the comparator output signal, the **first sample point** corresponding to a  
sample of the comparator output signal after the first edge of the input signal, and  
the **second sample point** corresponding to another sample of the comparator  
output signal **within the pulse-width of the input signal**; and

a means for adjusting **adjusts at least one of the peak level signal** and the  
equalization control signal in response to the first sample point and the second  
sample point such that equalization of the input signal is adjusted"

Since the cited references do not teach, suggest, or otherwise describe sampling two data  
points that are captured within the pulse-width of the input signal, it is respectfully submitted that  
Claims 23 and 33 are similarly allowable as amended claim 1. Notice to that effect is respectfully  
requested.

Claims 24 - 32, which depend upon and further limit Claim 23, are now believed to be in  
proper form for allowance, and notice to that effect is respectfully requested. Claims 34 - 38,

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which depend upon and further limit Claim 33, are now believed to be in proper form for allowance, and notice to that effect is respectfully requested.

**Rejection of Claim 7 under 35 USC § 103(a)**

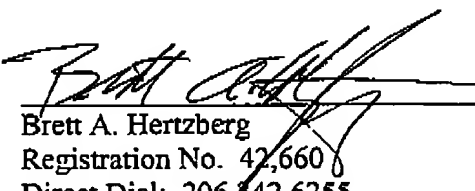
Claim 7 is rejected under 35 USC § 103(a) as being anticipated by US Patent No. 5,293,405 to Gershach et al. in view of US Patent No. 4,346,411 to Buhler et al. Claim 7 depends from Amended Claim 1, which is proposed to be allowable. Claim 7 is believed to be in proper form for allowance and notice to that effect is respectfully requested.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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